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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/810,153	03/26/2004	Fatih Ozluturk	I-2-0114.1US	8361
24374	7590	03/18/2009		
VOLPE AND KOENIG, P.C. DEPT. ICC UNITED PLAZA, SUITE 1600 30 SOUTH 17TH STREET PHILADELPHIA, PA 19103			EXAMINER SHAND, ROBERTA A	
			ART UNIT	PAPER NUMBER
			2416	
			MAIL DATE	DELIVERY MODE
			03/18/2009	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/810,153	<b>Applicant(s)</b> OZLUTURK, FATIH	
	<b>Examiner</b> Roberta A. Shand	<b>Art Unit</b> 2416	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 07 January 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 25-36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 33-36 is/are allowed.
- 6) ☒ Claim(s) 25-32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

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***Claim Objections***

1. Claim 25 is objected to because of the following informalities: line 8 recites “affset” which should read “offset”. Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 25-32 are rejected under 35 U.S.C. 102(e) as being anticipated by Lavean (U.S. 6898197 B1).

4. The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention “by another,” or by an appropriate showing under 37 CFR 1.131.

5. Regarding claim 25, Lavean teaches a communication method for use in a code division multiple access (CDMA) system, the system using a first pseudo-random code having a length of

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x chips (col. 21, line 62 – col. 22, line 3) and a second pseudo-random code having a length of y chips (col. 23, lines 16-25), y being greater than x, the method comprising: generating data for transmission from a user equipment (mobile station) on an uplink channel (fig. 7A); spreading the data, wherein a portion of the second pseudo-random code is used to offset the spreading of the data and wherein the portion of the second pseudo-random code has a length based on the length of the first pseudo-random code (col. 22, lines 28-48); and transmitting the spread data from the UE on the uplink channel (col.28, lines 7-23).

6. Regarding claim 26, Lavean teaches (col.28, lines 7-23) spreading a signal based on the first pseudo-random code, the signal carrying information.
7. Regarding claim 27, Lavean teaches (fig. 7A) filtering the spread signal (bandpass filter).
8. Regarding claim 28, Lavean teaches (col. 28, lines 24-37) spreading a signal based on the portion of the second pseudo-random code, the signal carrying information.
9. Regarding claims 29 and 31, Lavean teaches (col. 27, line 52- col. 28, line 7) transmitting the signal to a base station.
10. Regarding claim 30, Lavean teaches (fig. 7A) a communication apparatus for use in a code division multiple access (CDMA) system, the communication apparatus comprising: an antenna; and a circuit operatively coupled to the antenna, the circuit being configured to generate

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a first pseudo-random code having a length equal to a first number of chips (col. 21, line 62 – col. 22, line 3), and the circuit being configured to generate a portion of a second pseudo-random code, the second pseudo-random code having a length equal to a second number of chips (col. 23, lines 16-25), the first number of chips being less than the second number of chips, and the portion of the second pseudo-random code having a length equal to the first number of chips (col. 22, lines 28-48) the antenna outputs a signal which has been spread based on the portion of the second pseudo-random code, and the signal carries information (col. 28, lines 7-23).

11. Regarding claim 32, Lavean teaches a code division multiple access (CDMA) subscriber unit, comprising: circuitry configured to generate a first pseudo-random code having a length equal to a first number of chips (col. 21, line 62 – col. 22, line 3); circuitry configured to generate a portion of a second pseudo-random code, the second pseudo-random code having a length equal to a second number of chips, the first number of chips being less than the second number of chips (col. 23, lines 16-25 and col. 28, lines 7-23); circuitry configured to spread a signal based on the portion of the second pseudo-random code, wherein the signal carries information (col. 28, lines 7-23); and a transmitter to transmit the signal (fig. 7A and 7B)

***Allowable Subject Matter***

12. Claims 33-36 are allowed.

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***Response to Arguments***

13. Applicant's arguments with respect to claims 25-36 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Roberta A. Shand whose telephone number is (571)272-3161.

The examiner can normally be reached on M-F 9:00am-5:30pm.

15. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on 571-272-7872. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

16. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Roberta A. Shand  
/R. A. S./  
Examiner, Art Unit 2416

/William Trost/

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Supervisory Patent Examiner, Art Unit 2416